

SINGLE BENCH

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CF 1801 ④

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 631 /2007

PETITIONER

Smt. Indira Bai Sahu W/o Shri Jeevraj Sahu, Aged about 32 years, R/o Village Khamhariya, Tehsil & Block Berla, District Durg, C.G.

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Women and Child Development, Mantralaya, D.K.S. Bhawan Raipur (C.G)
2. The Collector, District Durg, C.G.
3. District Child and women Development Officer, Durg, C.G.
4. Project Officer, Integrated Child Development Project, Berla, District Durg, C.G.
5. Smt. Vandana Sahu , W/o Dhaneshwar Sahu , Aged about 23 years, R/o Village Khamhariya, Tehsil & Block Berla, District Durg, C.G.

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631/07
Presented by Shri. Abhishek Kumar
22/11/07

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA FOR ISSUING APPROPRIATE WRITS, ORDERS OF DIRECTIONS.

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 631 of 2007

Petitioner

Smt. Indira Bai Sahu

Versus

Respondents

State of Chhattisgarh and others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Present: Shri Jitendra Kumar Gupta, Advocate for the petitioner.

Ms. Sunita Jain, Panel Lawyer for the respondents/State.

ORDER

(Passed on 2nd Day of February, 2007)

The following order of the Court was passed by Satish K. Agnihotri, J.

1. Learned counsel appearing for the petitioner submits that the petitioner applied for the post of Angan Badi Sahayika in village Khamhariya, Tahsil & Block Berla, District-Durg in place of the petitioner, the respondent No. 5 has been selected. The petitioner has impugned the order of appointment of respondent No. 5 dated 30-12-2006 (Annexure P/1) on two grounds:- (i) the respondent No. 5 is in close relation of a Panch i.e. uncle-in-law. (ii) the petitioner has better qualification i.e. Higher Secondary School Certificate and the respondent No. 5 has Class 8th passed examination certificate.
2. Explanation to Section 40 of Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 defines the expression 'relative'. Relative means

father, mother, brother, sister, husband, wife, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law. Uncle-in-law does not come within purview of relative. Even otherwise, in village community, it is the normal practice to address the inhabitants of the village by expression uncle (Kaka, Dada) etc. The address by 'Kaka' and 'Dada' does not make a relative by blood relationship.

3. The submission of learned counsel appearing for the petitioner on this point is noticed only to be rejected. With regard to the qualification, the Angan Badi scheme at Clause 2(1) clearly provides that a candidate having Class 8th passed examination certificate should be given priority. In the event Class 8th passed examination lady candidate is not available, Higher Secondary School Certificate passed may be considered for appointment. In the present case, admittedly, the petitioner is having Higher Secondary Examination Certificate and the respondent No. 5 is having Class 8th passed examination certificate. Accordingly, the respondent No. 5 has to be preferred. Accordingly, the appointment of the respondent No. 5 is legal, in accordance with guidelines for appointment of the Angan Badi Sahayika.
4. For the reasons hereinabove, this writ petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge